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Add the following claim.

39. (New) A construction for ventilation of hydrogen gas, obtained by a method comprising joining a first metallic layer, sensitive to hydrogen embrittlement, to a second metallic layer, and interposing therebetween said layers and joining thereto, a mesh, said mesh forming venting channels for ventilation of hydrogen gas.

REMARKS

Claims 20-29 and 38 have been cancelled and new claim 39 added. Claim 39 incorporates the method recitations of cancelled claim 20. Claims 32, 35 and 36 have been amended to depend from claim 31, thereby obviating the rejection under Section 112.

A marked up copy showing all the changes made to Claims 32, 35, and 36 relative to the previous versions of these claims is submitted as ATTACHMENT A.

Claims 29-32 stand rejected under 35 U.S.C. § 102(b) based upon public use or sale of the invention. SKU 9966 is alleged to disclose the construction of claims 29-32.

However, the construction disclosed in SKU 9966 cannot be interpreted as a mesh. A mesh is a net or network or net-like structure, e.g. foraminous sheet, screen, net, grid or network of threads or strands, as defined in the specification on page 3, lines 26-27. SKU 9966 does not disclose venting channels. Moreover, there is no evidence, as presumed by the Examiner, that a plated chrome layer could be sensitive to hydrogen embrittlement.

As to public use, there is no evidence provided as to when the web page as available today and the products it refers to were publicly available. The web page may have been amended many times